

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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BENJAMIN HUDSON,

Plaintiff,

v.

MRS. TRACEY S. KAMINSKI, et al.,

Defendants.

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Civil Action No. 14-1889 (SDW)

**MEMORANDUM AND ORDER**

**IT APPEARING THAT:**

1. Plaintiff, Benjamin Hudson, is a civilly committed persons, pursuant to the Sexually Violent Predator Act (“SVPA”), N.J.S.A. 30:4-27.24, et seq., and presently is confined at the Special Treatment Unit, East Jersey State Prison in Rahway, New Jersey, at the time he submitted this Complaint for filing.

2. On or about March 25, 2014, Plaintiff filed this civil rights action under 42 U.S.C. § 1983.

3. Plaintiff failed to pay the \$350.00 filing fee. Plaintiff also did not submit a complete application to proceed *in forma pauperis* (“IFP”), pursuant to 28 U.S.C. § 1915, as required by Local Civil Rule 54.3(a). Instead, Plaintiff submitted an IFP application that fails to provide an institutional account statement that would allow this Court to assess and confirm Plaintiff’s indigency.

THEREFORE, it is on this 30<sup>th</sup> day of May, 2014;

ORDERED that Plaintiff's request to proceed *in forma pauperis* is hereby DENIED, without prejudice; and it is further

ORDERED that the Clerk of the Court shall administratively terminate this case, without filing the complaint or assessing a filing fee; Plaintiff is informed that administrative termination is not a "dismissal" for purposes of the statute of limitations, and that if the case is reopened, it is not subject to the statute of limitations time bar if it was originally filed timely, *see Jenkins v. Superintendent of Laurel Highlands*, 705 F.3d 80, 84 n.2 (2013) (describing prisoner mailbox rule generally); *Dasilva v. Sheriff's Dept.*, 413 F. App'x 498, 502 (3rd Cir. 2011) ("[The] statute of limitations is met when a complaint is submitted to the clerk before the statute runs ...."); and it is further

ORDERED that the Clerk of the Court shall send Plaintiff a blank form application to proceed *in forma pauperis*; and it is further

ORDERED that if Plaintiff wishes to reopen this case, Plaintiff shall so notify the Court, in writing addressed to the Clerk of the Court, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Room 4015, Newark, New Jersey 07101, within 30 days of the date of entry of this Order; Plaintiff's writing shall include either (1) a complete, signed *in forma pauperis* application, including a certified institutional account statement, or (2) the \$350 filing fee; and it is further

ORDERED that upon receipt of a writing from Plaintiff stating that he wishes to reopen this case, and either a complete *in forma pauperis* application or payment of the filing fee within the time allotted by this Court, the Clerk of the Court will be directed to reopen this case; and it is finally

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Plaintiff by regular U.S. mail.

*s/Susan D. Wigenton*  
SUSAN D. WIGENTON  
United States District Judge